

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of

Thomas J. Ribarich

Serial No.: 10/678,004

Filed: October 2, 2003

For: COMPACT FLUORESCENT LAMP PACKAGE

Confirmation No.: 9223

Date: February 28, 2008

Group Art Unit: 2885

Examiner: Hargobind S. Sawhney

VIA EFS-WEB

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY TO EXAMINER'S ANSWER

Sir:

This is a Reply to the Examiner's Answer mailed December 28, 2007 in the above-identified application.

Claims 1 and 38 require a single circuit board. Thus, it was argued in the Brief that the combination of Muessli and Mies do not render claims 1 and 38 obvious in that Muessli requires at least two circuit boards 41, 42. Appeal Brief, page 7, lines 21-22.

In response, the Examiner has stated that Muessli teaches the following:

- A multi-chip module including a ballast circuit 40 on a circuit board 41 (Muessli, Figure 3, column 4, lines 38-41);
- The multi chip module including elements 43 mounted on a single circuit board 41, which is integral - broadly interpreted as held together with the coils soldered together - with a sub-circuit board 42 (Muessli, Figure 3, column 5, lines 9-16). The second circuit board 42 being integral to the main circuit board after the multi chip ballast is mounted on the circuit board 41 (Muessli, Figure 3, column 5, lines 9-12).

Note: The phrase 'integral' has been broadly interpreted an assembly held together with attachment means such as mechanical fasteners, solder joints, weld joints, chemical bonding or adhesive joints. Examiner's Answer, page 9, lines 4-15.

In examination, it is the claim that is read on the reference, not the reference on the claim. Thus, while claim limitations can be read broadly during the examination, a reference's teaching is not varied to suit the claim limitation. A reference's teaching is fixed, not variable, and a reference teaches whatever it does without being subject to linguistic interpretation. Therefore, two circuit boards 41, 42 cannot replace a single circuit board as claimed on the theory that the Examiner may read the reference "broadly" to show a single circuit board because the two circuit boards are connected to one another. Such a reading would essentially eliminate the limitation "single" from claims 1 and 38.

Claims 1 and 38 require the thermally conductive body to support the circuit board. See page 8, lines 1-13 of the Appeal Brief for arguments distinguishing the art from the claims.

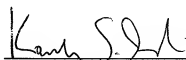
The Examiner's Answer states that Muessli teaches supporting the circuit board, and Mies is cited only to show the use of a thermally conductive body in conjunction with a compact fluorescent lamp of Muessli.¹

Thus, the Examiner agrees that support is not provided by the thermally conductive body as argued in the Appeal Brief. That is, the Examiner's Answer agrees with the applicant's position that the combination of Muessli and Mies does not render claim 1 or claim 38 obvious.

The application should, therefore, be allowed.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
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TRADEMARK OFFICE EFS FILING
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Respectfully submitted,



Kourosh Salehi

Registration No.: 43,898

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

SHW:KS:ck

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1. The Examiner actually states "As discussed above, the use of thermally conductive body is the only teaching of Muessli ('948) applied to modify the compact fluorescent package of Mies," page 10, third paragraph, lines 5-7, which appears to be an inadvertent misstatement of the conclusion reached in the Final Office Action.